No. 88-1768

Supreme Court, U.S.
FILED
MAY 16 1989
JOSEPH F. SPANIOL, JR.
CLERK

In The

Supreme Court of the United States

October Term, 1988

ARTHUR HEIM,

Petitioner,

vs.

HIGH PLAINS AGRICULTURAL CREDIT CORPORATION, JACK CREWS, as Loan Officer; ELDON STELLPFLUG, as President; JACK PETERS, as Vice President; MERLIN OLSEN, as Vice President; FIRST WYOMING BANK, a/k/a CHEYENNE NATIONAL BANK; WILLIAM ALLEN, as President; TRAVELERS INDEMNITY COMPANY, A Corporation; KENT GOODMAN, Agent; DEUEL COUNTY STATE BANK; J. W. BILL EPSON, President; JUNE E. LAMUREUX, Officer; KEY BANK, a/k/a COMMERCIAL SECURITY BANK; PATTY BANKS, as Officer; ROBERT G. SIMONS; Other Unnamed JOHN DOES and MARY JANES,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Eighth Circuit

BRIEF IN OPPOSITION FOR RESPONDENTS TRAVELERS INDEMNITY COMPANY AND KENT GOODMAN

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QUESTIONS PRESENTED

1. Whether Petitioner has satisfied the grounds for granting a Petition for Writ of Certiorari?

2. Whether the Eighth Circuit Court of Appeals properly affirmed the dismissal of Petitioner's 42 U.S.C. § 1983 cause of action?

3. Must a United States District Court hold an oral hearing prior to dismissing a case for lack of subject matter jurisdiction?

PARTIES

ARTHUR HEIM

HIGH PLAINS AGRICULTURAL CREDIT CORPORATION;

JACK CREWS, as Loan Officer;

ELDON STELLPFLUG, as President;

JACK PETERS, as Vice President;

MERLIN OLSEN, as Vice President;

FIRST WYOMING BANK, a/k/a CHEYENNE NATIONAL BANK;

WILLIAM ALLEN, as President;

TRAVELERS INDEMNITY COMPANY, A Corporation;

KENT GOODMAN, Agent;

DEUEL COUNTY STATE BANK;

J. W. BILL EPSON, President;

JUNE E. LAMUREUX, Officer;

KEY BANK, a/k/a COMMERCIAL SECURITY BANK;

PATTY BANKS, as Officer;

ROBERT G. SIMMONS;

Other unnamed JOHN DOES and MARY JANES

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OPINIONS BELOW

The Memorandum of the District Court (CV 88-0-06) and the opinions of the Court of Appeals (No. 88-2073) are not officially reported.

JURISDICTION

The Judgment of the Court of Appeals was entered December 12, 1988 and the Petition for Rehearing was denied January 19, 1989. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §2101(c).

STATUTES AND RULES INVOLVED

Rule 17.1(a), Rules of the Supreme Court of the United States:

(See Appendix, A-2 for text).

42 U.S.C. §1983: (See Appendix, A-3 for text).

Rule 12(h)(3), Federal Rules of Civil Procedure:

> Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.

STATEMENT OF CASE

This case arises out of a foreclosure action filed by Travelers Indemnity Company ("Travelers")[1] against

[1] See Appendix for List of Parent Companies, Subsidiaries and Affiliates of Travelers Indemnity Company.

Petitioner Arthur Heim in the late 1970's. Thereafter, Travelers was granted a foreclosure decree and sold real property pursuant thereto. The foreclosure decree and subsequent sale were affirmed by the Nebraska Supreme Court. *Travelers Indemnity Co. v. Heim,* 218 Neb. 326, 352 N.W.2d 921 (1984); *Travelers Indemnity Co. v. Heim,* 223 Neb. 75, 388 N.W.2d 106 (1986).

Petitioner filed this matter with the United States District Court for the District of Nebraska on January 6, 1988. In his initial pleading designated "Petition", Mr. Heim named various defendants including a Nebraska State District Court judge, a Colorado State District Court judge, the members of the Nebraska Supreme Court, Travelers and High Plains Agricultural Credit Corporation, and various individuals and banks residing in Wyoming, Nebraska and Utah. Petitioner alleged four causes of action against the Respondents. His first cause of action was based upon fraud. Next, he alleged the Respondents conspired against him to force him to encumber his land. In his third cause of action, Mr. Heim alleged coercion exercised by the Respondent was intended to cause him emotional distress. Under his final cause of action, Petitioner alleged the Respondents libeled him through statements to the effect that Mr. Heim is a "bad operator", a "poor manager" and that he "lived most extravagantly". Travelers, as well as most of the other Respondents, filed timely Motions to Dismiss.

Upon review of the Motions to Dismiss, the United States District Court Judge Warren K. Urbom dismissed the claims against the judges and the members of the

Nebraska Supreme Court on the basis of judicial immunity. Next, Judge Urbom dismissed the claims raised against the remaining Respondents, ruling Mr. Heim had failed to state claims upon which relief could be granted. At the conclusion of his Order dismissing Petitioner's claims against Respondents, Judge Urbom allowed Mr. Heim fifteen days to file an Amended Complaint.

Petitioner filed an Amended Complaint on June 17, 1988. He also filed a Motion for Preliminary Injunction. The district court dismissed Petitioner's Amended Complaint on its own motion through an Order dated June 27, 1988. In the Court's Memorandum filed contemporaneously with its Order, Judge Urbom ruled the Petitioner is seeking relief "under 42 U.S.C. §§1983, 1985, and 1988, specifically claiming that the defendants defrauded him and intentionally inflicted emotional distress upon him in violation of the fourth, fifth, thirteenth and fourteenth amendments". June 27, 1988 Memorandum, p. 1; Appendix B-1 to Petition for Writ of Certiorari. In reviewing the claims, the court ruled it lacked jurisdiction pursuant to 28 U.S.C. §1332 due to lack of complete diversity between the parties. Judge Urbom also found federal question jurisdiction was lacking on plaintiff's §1983 claim because plaintiff's allegations do not satisfy the state action requirement. Finally, the court ruled plaintiff failed to state a claim upon which relief could be granted under § 1985 because plaintiff failed to allege that there was a conspiracy motivated by racial or an otherwise class based invidiously discriminatory animous.

The United States Court of Appeals for the Eighth Circuit affirmed the district court's dismissal of Mr.

Heim's Amended Complaint through a *per curiam* opinion filed December 12, 1988. Appendix C-1 to Petition for Writ of Certiorari. On January 19, 1989 the Eighth Circuit denied Mr. Heim's Petition for Rehearing *En Banc*. Through his Petition for Writ of Certiorari, Petitioner requests that this Court review the Eighth Circuit Court of Appeals' decision affirming Judge Urbom's dismissal of the Amended Complaint. Upon review of the Petition for Writ of Certiorari, it appears Petitioner is requesting that this Court solely review the dismissal of his Section 1983 claims.

ARGUMENT

I.

PETITIONER HAS FAILED TO ALLEGE SPECIAL AND IMPORTANT REASONS IN SUPPORT OF HIS PETITION FOR WRIT OF CERTIORARI AND, THEREFORE, THE PETITION MUST BE DENIED.

Rule 17.1(a) of the Rules of the Supreme Court of the United States indicates a review on Writ of Certiorari will be granted only when there are special and important reasons therefor. Those reasons include where there are conflicting decisions by federal courts of appeals on the same matter; when a federal court of appeals decides a federal question in a way in conflict with a state court of last resort; or when a federal court of appeals has departed from the accepted and usual course of judicial proceedings or sanctions such a departure by a lower court.

Petitioner has cited cases from the United States Supreme Court and the Sixth, Tenth and Eleventh Circuit Courts of Appeals in an attempt to establish that the Eighth Circuit Court of Appeals' decision affirming dismissal of his claims amounted to a conflict with the decisions of this Court and other federal courts of appeals. Alternatively, Petitioner may be arguing that the Eighth Circuit Court of Appeals decision sanctioned a departure from the accepted and usual course of judicial proceedings. However, upon review of the decisions cited by Petitioner, it is apparent the underlying decision dismissing Mr. Heim's claims does not conflict with any of those cases.

Petitioner, for the first time, has alleged that he stated a claim upon which relief can be granted under the decision of this Court in *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). In *Bivens*, this Court ruled that an individual may bring a federal cause of action under the Fourth Amendment for damages sustained as a result of federal agents' violation of that Amendment. The holding in *Bivens* has no application to this case whatsoever. As stated by Judge Urbom at page 2 of his opinion, all of the defendants named in this lawsuit are private persons or entities. Appendix to Petition for Writ of Certiorari, B-2. Petitioner has made no allegation that any of the named defendants were federal agents, employees or acting under color of federal law.

Next, Petitioner cites *Monroe v. Pape*, 365 U.S. 167 (1961), overruled, *Monell v. Department Social Services of City of New York*, 436 U.S. 658 (1978), for the proposition that when "any" person takes or causes deprivation of

property without a court order or the right of a hearing, such act constitutes a violation of the Fourth Amendment. To the contrary, this Court in *Monroe v. Pape*, ruled that actions by Chicago police officers constituted acts under color of state law within the meaning of 42 U.S.C. §1983. This Court did not rule that a party states a federal claim when he alleges that "any" person has violated the Fourth Amendment. *Agnello v. United States*, 269 U.S. 20 (1925), is likewise inapplicable to the claims raised by Petitioner. *Agnello* dealt with the admissibility of evidence obtained through a warrantless search.

Moreover, the three circuit court opinions cited by Mr. Heim do not conflict with either the district court's decision or the appellate court's decision in this case. Indeed, the court in each case cited by Petitioner states that a civil rights plaintiff must allege action by the named defendants under color of state law in order for §1983 to apply. *Motes v. Myers*, 810 F.2d 1055, 1058 (11th Cir. 1987); *Lucarell v. McNair*, 453 F.2d 836, 838 (6th Cir. 1972); *Stringer v. Dilger*, 313 F.2d 536, 540 (10th Cir. 1963). In this case, the district court ruled Petitioner failed to meet that requirement when he amended his initial pleading. As such, the Court lacked subject matter jurisdiction and dismissed Mr. Heim's claims based upon Federal Rule of Civil Procedure 12(h)(3).

The Sixth, Tenth and Eleventh Circuits also acknowledge that a Court not only has the right, but the duty, to dismiss a case *sua sponte* when it finds it lacks subject matter jurisdiction. *Fitzgerald v. Seaboard System R.R., Inc.*, 760 F.2d 1249, 1251 (11th Cir. 1985); *Tafoya v. U.S. Dept. of Justice, Law Enforcement Assist. Admin.*, 748 F.2d 1389, 1390 (10th Cir. 1984); *Gross v. Hougland*, 712 F.2d 1034, 1036

(6th Cir. 1983), cert. denied, *Hougland v. Gross*, 465 U.S. 1025 (1984).

Petitioner cites *Lucarell* for the proposition that it is the duty of an Appellate Court to review the allegations of a civil rights complaint in the light most favorable to the plaintiff. The Eighth Circuit Court of Appeals also recognizes that *pro se* civil rights pleadings should be construed liberally. *Martin v. Aubuchon*, 623 F.2d 1282, 1285-86 (8th Cir. 1980). Nonetheless, where a court finds it lacks subject matter jurisdiction, the Complaint or Amended Complaint must be dismissed.

II.

THIS COURT SHOULD NOT GRANT A WRIT OF CERTIORARI BECAUSE THE DISTRICT COURT DID NOT HAVE SUBJECT MATTER JURISDICTION.

Title 42 U.S.C. §1983 provides a remedy for deprivation of rights secured by the Constitution and laws of the United States when that deprivation takes place "under color of any statute, ordinance, regulation, custom, or usage of any state or territory . . . ." Petitioner's claims under §1983 amount to an allegation that the Respondents deprived him of property in violation of the Due Process Clause to the Fourteenth Amendment. He contends that the Respondents' acts were under color of state law or amount to state action by virtue of the fact that Respondent banks were regulated by the states in which they are found. Petitioner does not attack the constitutionality of any state law or procedure.

This Court recently held:

> The Fourteenth Amendment of the Constitution provides in part that '(n)o State shall . . . deprive any person of life, liberty or property without due process of law.' Since this Court's decision in the *Civil Rights Cases*, 109 U.S. 3, 3 S.Ct. 18, 27 L.Ed. 835 (1883), 'the principle has become firmly embedded in our constitutional law that the action inhibited by the first section of the Fourteenth Amendment is only such action as may fairly be said to be that of the States.' *Shelley v. Kraemer*, 334 U.S. 1, 13, 68 S.Ct. 836, 842, 92 L.Ed. 1161 (1948). 'That Amendment erects no shield against merely private conduct, however discriminatory or wrongful.' *Ibid.*

Blum v. Yaretsky, 457 U.S. 991, 1002 (1982).

When a party brings a §1983 action, he must first show that he has been deprived of a right "secured by the Constitution and the laws" of the United States. After he meets this first requirement, he must then show the defendants deprived him of this right acting under color of state law. *Flag Bros., Inc. v. Brooks*, 436 U.S. 149, 155-56 (1978).

The facts as alleged by Petitioner simply do not indicate Respondents' acts amounted to state action under the Fourteenth Amendment. Generally, an entity is not a state actor even though it is regulated by the state. In *Blum*, this Court identified three factors to be considered in determining whether particular conduct constitutes "state action" under the Amendment: (1) there must be a "sufficiently close nexus between the State and the challenged action of the regulated entity so the action of the latter may fairly be treated as that of the State itself"; (2) the nexus must be such that the State "has exercised coercive power or has provided such significant encouragement, either overt or covert, that the choice in law be

deemed to be that of the State"; and (3) "the private entity has exercised powers that are 'traditionally the exclusive prerogative of the State.' " 457 U.S. at 1004-05. None of the acts complained of by Petitioner can even arguably fall within any of these three criteria. The financial institutions herein either filed a foreclosure action, maintained Mr. Heim's bank account or transferred funds. Each of these acts is traditionally the function of a financial institution acting as a creditor, or depository.

At the third page of his June 27th Memorandum, Judge Urbom notes Mr. Heim indicates "he believes the defendants have misused the judicial system to obtain a result that is unfavorable to him". Appendix to Petition for Writ of Certiorari, B-3. Assuming this is true, Petitioner still failed to allege state action or that the Respondents acted under color of state law for purposes of Section 1983. In *Lugar v. Edmondson Oil Co., Inc.*, 457 U.S. 922 (1982), this Court espoused a two-part test used to determine whether the deprivation of a federal right occurs under color of state law as required by Section 1983:

> First, the deprivation must be caused by the exercise of some right or privilege created by the State or by a rule of conduct imposed by the State or a person for whom the State is responsible. . . . Second, the party charged with the deprivation must be a person who may fairly be said to be a state actor. This may be because he is a state official, because he has acted with or has obtained significant aid from state officials, or because his conduct is otherwise chargeable to the State.

Id. at 937.

In *Lugar*, this Court ruled private misuse of state law or procedure does not amount to action under color of

state law. *Id.* at 940. A private individual acts under color of state law only where he jointly participates with state officials in the seizure of disputed property. *Id.* at 941. Petitioner has made no allegation that state officials have seized any of his property nor can such an allegation be read into his Amended Complaint.

Accordingly, the lower court's decision affirming the dismissal of Petitioner's §1983 claim for lack of subject matter jurisdiction should be sustained. He failed to allege facts which indicate state action was involved in the taking of his property. Furthermore, he failed to allege facts which indicate the Respondents acted under color of state law.

Mr. Heim also asserts in his Petition that the district court erred in dismissing his Amended Complaint because he was not allowed a hearing prior to dismissal. The District Court acted well within its authority when it dismissed Petitioner's claim pursuant to Federal Rule of Civil Procedure 12(h)(3).

Rule 12(h)(3) provides:

> Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.

Pursuant to this Rule, a federal court is required to dismiss an action once it appears to the court that it lacks subject matter jurisdiction. *Fitzgerald,* 760 F.2d at 1251. The Rule requires neither a motion to be filed nor a hearing to be held.

In this case, the District Court apparently reviewed Petitioner's Amended Complaint in conjunction with an attempt to rule on his Motion for Preliminary Injunction.

Upon review of the Amended Complaint, the Court found it lacked jurisdiction over the subject matter of plaintiff's §1983 claims. In dismissing the action, the Court was merely following the duty imposed upon it by Rule 12.

Moreover, there has been no showing that Petitioner was unduly prejudiced by the district court's relatively swift dismissal of his Amended Complaint. His first pleading was dismissed after numerous defendants filed Motions to Dismiss with accompanying briefs. Mr. Heim had ample opportunity to respond to those Motions to Dismiss. Additionally, once the court dismissed Petitioner's initial pleading, he was granted leave to amend. The allegations raised in the Amended Complaint indicate the court lacked subject matter jurisdiction over his §1983 claim. As such, the district court dismissed Petitioner's claims without prejudice to refiling with another Court which does have proper jurisdiction. June 27, 1988 Memorandum, p. 4; Appendix to Petition for Writ of Certiorari, B-4.

CONCLUSION

This Court should not grant the Petition for Writ of Certiorari. The Petition failed to allege grounds to satisfy the stringent requirements of Rule 17, Rules of the Supreme Court of the United States. The decisions by the courts below do not conflict with decisions of other federal courts of appeal on the same issues and neither the Eighth Circuit Court of Appeals nor the district court departed from accepted and usual judicial proceedings.

Moreover, the Eighth Circuit Court of Appeals' decision affirming the district court's dismissal of the Amended Complaint was correct and will be affirmed if this case is to be heard on the merits.

TRAVELERS INDEMNITY COMPANY
and KENT GOODMAN, Respondents

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APPENDIX

The following documents are included by the Respondents Travelers Indemnity Company and Kent Goodman within their Appendix:

Document	Pages
Rule 17.1(a), Rules of the Supreme Court of the United States	A-2
Title 42 U.S.C. §1983	A-2
List of Parent Companies, Subsidiaries and Affiliates of Travelers Indemnity Company	A-4 through A-8

Rule 17. Considerations governing review on certiorari

.1. A review on writ of certiorari is not a matter of right, but of judicial discretion, and will be granted only when there are special and important reasons therefor. The following, while neither controlling nor fully measuring the Court's discretion, indicate the character of reasons that will be considered.

(a) When a federal court of appeals has rendered a decision in conflict with the decision of another federal court of appeals on the same matter; or has decided a federal question in a way in conflict with a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by a lower court, as to call for an exercise of this Court's power of supervision.

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42 U.S.C. §1983. Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom or usage, of any State or Territory of the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of

Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

List of Parent Companies, Subsidiaries and Affiliates of Travelers Indemnity Company

ABC Management Inc.
Adams Service Company, Ltd.
Adria – TIC International Holdings, S.A.
Aggressive Stock Trust
ATALFA (UK)
Bankers and Shippers Insurance Company
Blue Ash Associates Limited Partnership
C.S.I., Inc.
Cash Income Trust
Center for Corporate Health Promotion, Inc.
Charter Oak Fire Insurance Company, The
Connecticut Fire Insurance Company, The
Conservco
Consolidated Agencies Northwest, Inc.
Constitution Plaza, Inc.
Constitution State Insurance Company, The
Constitution State Management Company
Constitution State Service Company
Derby Advertising, Inc.
Dillon, Read Inc.
Dillon, Read Capital Inc.
Dillon, Read & Co. Inc.
Dillon, Read Development Inc.
Dillon, Read Enskilda Partners
Dillon, Read (France) S.A.
Dillon, Read Interfunding Inc.
Dillon, Read International Asset Management
Dillon, Read International Marketing Service, Inc.
Dillon, Read International Securities Inc.
Dillon, Read Limited
Dillon, Read Mortgage Capital Inc.
Dillon, Read Real Estate Inc.
Dillon, Read Securities, Inc.
Dillon, Read Services Inc.
Dillon, Read (UK) Limited
Dublin Regional Plaza Joint Venture
89th and York Avenue Corporation
ERMC, Inc.

Fiduciary Investment Company, Inc.
Fund Administrators, Inc.
Harbor Keystone Advisers, Inc.
H. C. Copeland and Associates, Inc.
H. C. Copeland and Associates Equities, Inc.
H. C. Copeland Associates, Inc. of Massachusetts
H. C. Copeland Financial Services, Inc.
High Yield Bond Trust
Intangible Marketing, Inc.
KBA 3 Limited Partnership
Keystone Blue Ash Limited Partnership
Keystone Custodian Fund – Series B-1
Keystone Custodian Fund – Series B-2
Keystone Custodian Fund – Series B-4
Keystone Custodian Fund – Series K-1
Keystone Custodian Fund – Series K-2
Keystone Custodian Fund – Series S-1
Keystone Custodian Fund – Series S-3
Keystone Custodian Fund – Series S-4
Keystone Custodian Funds, Inc.
Keystone Distributors Inc.
Keystone Financial Corporation
Keystone Group, Inc.
Keystone International Fund, Inc.
Keystone Investment Management Corporation
Keystone Liquid Trust
Keystone Precious Metals Holdings, Inc.
Keystone Properties, Inc.
Keystone Realty Advisors, Inc.
Keystone Realty Partners
Keystone Tax Exempt Trust
Keystone Tax Free Fund
KPI 85, Inc.
La Metropole S.A.
London and Hartford Corporation
Managed Assets Trust
Managed Health Care Service, Inc.
Massachusetts Company, Inc., The
Master Reserves Tax Free Trust
Master Reserves Trust
Meadow Lane, Inc.

Money Market/Options Investments, Inc.
N.S.P.D.R. Inc.
Panther Valley Country Club, Inc.
Panther Valley, Inc.
Panther Valley Service, Inc.
Park Place West Limited Partnership
Pequest Sewer Company
Pequest Water Company
Phoenix Insurance Company, The
Plaza Corporation, The
Prospect Company, The
Prospect Management Services Company (Del.)
Prospect Nebraska Land Holding Company, Inc.
Salem Funds, The
Syd Tozier & Associates, Insurance Brokers, Inc.
Terra Nova Insurance Company Limited
TDR Mortgage Securities I, Inc.
Travelers Asset Funding Corporation
Travelers Asset Management International Corporation
Travelers Corporation, The
Travelers Corporation of Bermuda Limited, The
Travelers Corporation (U.K.) Ltd
Travelers Diebold Technology Company, Inc.
Travelers/EBS, Inc.
Travelers Equities Sales, Inc.
Travelers Fund B for Variable Contracts, The
Travelers Fund B-1 for Variable Contracts, The
Travelers General Agency of Hawaii, Inc.
Travelers Growth Stock Account for Variable Annuities, The
Travelers Health Network, Inc.
Travelers Health Network of Austin, Inc.
Travelers Health Network of California, Inc.
Travelers Health Network of Connecticut, Inc.
Travelers Health Network of Florida, Inc.
Travelers Health Network of Illinois, Inc.
Travelers Health Network of Louisiana, Inc.
Travelers Health Network of New Jersey, Inc.
Travelers Health Network of New York, Inc.
Travelers Health Network of Pennsylvania, Inc.
Travelers Health Network of South Carolina, Inc.
Travelers Health Network CMP of South Carolina, Inc.

Travelers Health Network of Tennessee, Inc.
Travelers Health Network of Texas, Inc.
Travelers Health Network of Virginia, Inc.
Travelers Home Equity Centers, Inc.
Travelers Home Insurance Center, Inc.
Travelers Income Properties – I
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Travelers Indemnity Company of America, The
Travelers Indemnity Company of Illinois, The
Travelers Indemnity Company of Rhode Island, The
Travelers Insurance Company, The
Travelers Insurance Company of Illinois, The
Travelers Insurance Corporation Proprietary, Limited, The
Travelers International Finance Company N.V.
Travelers Investment Management Company, The
Travelers of Ireland Limited
Travelers Keystone Fixed Income Advisers, Inc.
Travelers Life and Annuity Company, The
Travelers Life Insurance Company, The
Travelers Life Insurance Company of Connecticut
Travelers Lloyds Insurance Co.
Travelers Marine Corporation, The
Travelers Money Market Account for Variable Annuities
Travelers Mortgage Capital Corporation
Travelers Mortgage Insurance Agency, Inc. (Delaware Incorporated)
Travelers Mortgage Insurance Agency, Inc. (New Jersey Incorporated)
Travelers Mortgage Securities Corporation
Travelers Mortgage Services, Inc., The
Travelers Plan Administrators, Inc.
Travelers Plan Administrators of Arizona
Travelers Plan Administrators of California
Travelers Plan Administrators of Colorado
Travelers Plan Administrators of Florida
Travelers Plan Administrators of Illinois
Travelers Plan Administrators of Michigan
Travelers Plan Administrators of Minnesota
Travelers Plan Administrators of Ohio
Travelers Plan Administrators of Pennsylvania

Travelers Plan Administrators of Tennessee
Travelers Plan Administrators of Texas
Travelers Plan Administrators of Washington
Travelers Quality Bond Account for Variable Annuities, The
Travelers Real Estate Investment Trust
Travelers Real Estate Investment Trust 2
Travelers Realty/100 L.P.
Travelers Realty Income Investors
Travelers Realty Investment Company
Travelers Realty Network, Inc.
Travelers Reinsurance Company of Bermuda Limited
Travelers Syndicate 1, Inc., The
Travelers Timed Aggressive Stock Account for Variable Annuities
Travelers Timed Bond Account for Variable Annuities
Travelers Timed Growth Stock Account for Variable Annuities
Travelers Timed Money Market Account for Variable Annuities
Travtech, Inc.
University Research Associates, Inc.
Wine Fund Managers (Guernsey) Ltd.
Wynne Agency (Joseph A.)